

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	: 10/724,870	Confirmation No.:	1625
Applicant(s)	: Randall S. HICKLE		
Filed	: December 2, 2003		
TC/A.U.	: 3735		
Examiner	: Navin Natnithithadha		
Title	: RESPIRATORY MONITORING SYSTEMS AND METHODS		
Docket No.	: 82021-0033		
Customer No.	: <b>24633</b>		

**MAIL STOP: RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**The required submission under 37 C.F.R. § 1.114:**

- a. ☒ Was previously submitted
  - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on **February 27, 2009**.
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - iii. ☐ Other
- b. ☐ Is enclosed
  - i. ☐ Response After Final
  - ii. ☐ Affidavit Under 37 CFR § 1.132
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other Form PTO-1449 along with references cited

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2. ☐ **Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a), for the total number of months checked below:**

Total Months  
Requested

Fee for  
Extension

- |                                      |                       |
|--------------------------------------|-----------------------|
| <input type="checkbox"/> one month   | \$ 130.00 ( 65.00)    |
| <input type="checkbox"/> two month   | \$ 490.00 ( 245.00)   |
| <input type="checkbox"/> three month | \$1,110.00 ( 555.00)  |
| <input type="checkbox"/> four month  | \$1,730.00 ( 865.00)  |
| <input type="checkbox"/> fifth month | \$2,350.00 (1,175.00) |

3. **Fee Calculation (37 C.F.R. § 1.16):**

CLAIMS FOR FEE CALCULATION				
	Number as Filed	Number Extra	At Rate of	Fee \$ 810.00
Total Claims (37 C.F.R. §1.16(c))	16 =	0	\$52/26 each =	+\$ .00
Independent Claims (37 C.F.R. §1.16(b))	1 =	0	\$220/110 each =	+\$ .00
_____ Month Extension of Time Fee				\$ 0.00
SUB-TOTAL =				\$ 810.00
Reduction by 1/2 for filing by a small entity				-\$ 0.00
TOTAL FILING FEE =				\$ 810.00

4. **Miscellaneous:**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1,103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

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5. **Fees:**

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ **Check** in the amount of **\$0.00** is enclosed for the RCE and Third Month Extension of Time fees noted above
- b. ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1349.
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of **\$810.00**
  - ii. ☐ Second Month Extension fee in the amount of **\$0.00**
  - iii. ☐ Other
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,  
**HOGAN & HARTSON LLP**

Dated: March 27, 2009

**HOGAN & HARTSON LLP**

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**Customer No. 24633**

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